

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,

*Plaintiff,*

v.

Audible Magic Corporation,

*Defendant.*

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Case No. 6:15-cv-584-RWS

Jury Trial Demanded

**DECLARATION OF RANDALL T. GARTEISER IN SUPPORT OF  
BLUE SPIKE, LLC'S OPPOSITION TO ELECTRONIC FRONTIER  
FOUNDATION'S MOTION TO INTERVENE AND UNSEAL**

I, Randall T. Garteiser, declare as follows:

1. I am a partner in the law firm, Garteiser Honea, PLLC. We represent Plaintiff Blue Spike, LLC ("Blue Spike") in this lawsuit. I make this declaration in support of Blue Spike's Opposition to Electronic Frontier Foundation's ("EFF") Motion to Intervene and to Unseal Court Documents. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an article on EFF's website titled "Serial Litigant Blue Spike Wins September's Stupid Patent of the Month," by Daniel Nazer, dated September 30, 2014, available at <https://www.eff.org/deeplinks/2014/09/serial-litigant-blue-spike-wins-septembers-stupid-patent-month>.

3. Attached hereto as **Exhibit 2** is a true and correct copy of an article on EFF's website titled "Patent Lawsuits Should Not Be Shrouded in Secrecy," by Vera Ranieri, dated March 30, 2016, available at <https://www.eff.org/deeplinks/2016/03/blue->

spike-patent-lawsuits-should-not-be-shrouded-secrecy.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Google's Response to Order to Supplement, Case No. 3:10-cv-03561-WHA, Dkt. No. 1240 (N.D. Cal., Sept. 24, 2012).

5. Attached hereto as **Exhibit 4** is a true and correct screenshot of a Fortune.com article, titled, "Google and Facebook's new tactic in the tech wars," dated July 30, 2012, available at <http://fortune.com/2012/07/30/google-and-facebooks-new-tactic-in-the-tech-wars/>, last visited April 11, 2016.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Northern District of California's Order to Supplement, Case No. 3:10-cv-03561-WHA, Dkt. No. 1238 (N.D. Cal., Sept. 20, 2012).

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Northern District of California's Order re Disclosure of Financial Relationships with Commentators on Issues in this Case, Dkt. No. 3:10-cv-03561-WHA, Dkt. No. 1229 (N.D. Cal., Sept. 7, 2012).

I declare, on April 15, 2016, in Smith County, Texas and under penalty of perjury under the laws of the United States and Texas, that the statements made in this declaration are true and correct.

/s/ Randall T. Garteiser  
Randall T. Garteiser